

The Wyoming Legislature is asked to support efforts to reduce crime, reduce recidivism, restore victims' lives, and protect public safety by demanding drug and alcohol abusers be held accountable in ways that promote successful addictions treatment, family responsibility and community re-entry.

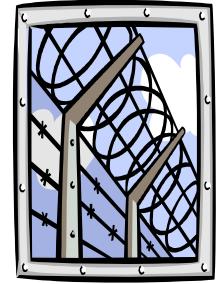
"If you don't hold addicts accountable, then you know nothing about the nature of addiction and how to treat it in the criminal justice population." Major General

Barry McCaffrey, Former House Office on National

Where Wyoming Is... and How We Got There

The Wyoming Constitution reserves the power to appropriate money to the legislative branch of state government. However, in a real way, decisions about how much to spend, and where to spend it are made by judges

when they sentence criminal offenders. When a judge decides to sentence an offender to either the State Penitentiary, the Wyoming Women's Center, or a county detention facility, that decision carries with it an appropriation of public



Director, White
Drug Policy

funds. In the case of prison sentences, it is an appropriation of more than \$22,000 tax dollars for each year served.

The cost of imprisoning offenders is consuming a significant share of the state budget. This biennium's appropriation to the Department of

Corrections is just a few dollars short of \$136 million. The average daily cost for Wyoming's four correctional facilities was \$61.79 in 2000, a nearly 31% increase since 1996. The annual average cost is \$22,553.35 per inmate.

While the average daily cost of imprisoning offenders is jumping, the numbers of offenders being sentenced to terms in prison is skyrocketing. In the decade between 1990 and 2000, the numbers of males arrested in Wyoming rose 25%. However, prison intake during that time increased by a whopping 64%. For women, the numbers are even more startling. While arrests of female offenders over that 10-year period increased by 38%, intake at the Wyoming Women's Center rose by 153%. These statistics reflect a time when violent crime rates were declining. The numbers are driven largely by drug and alcohol abuse.

While more people are being sentenced to prison in Wyoming, their average length of stay is lengthening, a fact that adds to the continuing growth in prison population. Five years ago, the average length of stay at the men's prison was 24 months. By last year, it had increased by one-third to 32 months

It should be noted that the problem Wyoming confronts with quickly rising corrections costs because of substance abuse is a nationwide problem. More than a million Americans are arrested each year on drug-related charges.²²⁸ One study projects that if the jail population continues to grow at the current rate, by the year 2053, the United States will have more people in jail than out.²²⁹ Prisons are expensive to build and expensive to operate.

The Department of Corrections estimates that as many as 80-85% of the inmates have substance abuse problems. Recently the DOC has begun to screen all

incoming inmates. The preliminary results support that estimate. Of the 84 women screened initially at Lusk, 65% scored at a level indicating both a need and a desire for treatment. Another 6% "may" need treatment. At Rawlins, the initial screening of 78 men showed 44% need treatment and another 21% may.

Probationers also report high rates of drug and alcohol abuse. Forty-three percent of them report alcohol use and 2/3 of that number indicate high-use rates. Twenty-nine percent report using meth, 16% use cocaine, and a whopping 64% use marijuana.

Wyoming taxpayers have just anted up approximately \$65 million for a new men's prison facility, and the state is in the process of deciding how to spend millions more on either refurbishing the old unit or building another. Wyoming prisons are bursting at the seams. With structural and security problems at the old men's unit and space limitations at the Lusk facility, Wyoming is renting prison space from other facilities. There are approximately 427 Wyoming prisoners at Crowley, Colorado, and another 72 at Wallens Ridge, Virginia. Fifty female prisoners from Wyoming are at the McCloud, Oklahoma facility.

It is an opportune time for lawmakers to consider whether to make fundamental changes in the way in which we hold addicted offenders accountable.

There are some other interesting numbers for the Legislature to consider in this regard. In round numbers, there are approximately 6,000 persons under the Department of Corrections jurisdiction on

any given day. About one-quarter or 1500 are institutionalized in one of the four state correctional facilities. The remaining 4500 are on probation or parole. The obvious implication is that most of the criminal justice (CJ) population is on the streets, in the community, where the DOC responsibility for maintaining public safety is huge. About 60% of these folks are located in just 6 counties, i.e. Laramie, Sweetwater, Natrona, Campbell, Fremont, and Sheridan.

In 1998, nearly one-half of the increase in the prison population resulted from probation revocations and approximately 70% of those involved substance abuse. In other words, while the offender's original crime did not warrant a prison sentence at a cost of more than \$22,000 per year, 7 of every 10 of these people ended up doing time due to on-going criminal thinking complicated by their addiction to drugs and/or alcohol.

It is important to consider that not only do we need to be concerned with this population of probationers, but also with the parolees. While it is clear that many offenders will need to be imprisoned for their crimes, policymakers must focus on the fact that most of them will also be released. People who enter prison with addiction problems return to the community with the same addiction unless effective treatment interventions occur while they are incarcerated. We must ask ourselves whether these men and women are better citizens after their release than before? It is an important question to consider if one of our goals is to protect the safety of the community.

"There are many reasons to believe that today's army of released prisoners poses even more danger and faces even worse prospects than the smaller cohorts of the past. Excons spend more time in prison than they used to...Longer sentences weaken the social and economic ties that may shield prisoners when they return to society. The longer you serve, the less contact you have with family, friends, and employers, the more your job skills deteriorate, the more your social network revolves around other criminals." 230

It follows that while prison is necessary for many who commit crimes, a prison sentence entails consequences for society as well as the offender. In addition to the enormous financial costs involved, we must be continually aware that when these men and women return they will again be somebody's father or mother and neighbor. Wyoming may want to think harder about whom it is that should go to prison. If the person is not a violent criminal and is addicted, are there good alternatives that keep the community safe, hold the criminal accountable for his or her conduct, cost less, and produce a better citizen?

"Prison cells are expensive. Perhaps they should be reserved for people we are afraid of... rather than for people we are mad at!"

Why Should We Treat Criminal Offenders?

There is ample evidence that treatment, when done right, works. Every

dollar spent on treatment, according to one study, leads to a \$7.46 reduction in the value of crime-related costs. ²³¹ The effectiveness of prison-based treatment was evaluated in a more recent federal prison study. The study included 760 inmates who received treatment and a comparison group of 806 who did not. Comparison subjects were drawn from 30 different prisons. The results indicated those who entered and completed in-prison residential treatment, are less likely to experience post-release arrests and substance abuse during the critical first 6 months following release. ²³²

Although there is increasing frustration with efforts to curb drug-related crimes, evidence has been consistent in demonstrating that alcohol and drug abuse treatment not only reduces alcohol and other drug use, but also reduces criminal activity.²³³

It is important to note the leadership provided by the Wyoming Department of Corrections in meeting the challenge of addicted offenders. The DOC has moved aggressively to develop treatment programs for both the incarcerated, probation, and parole populations. There are Intensive Treatment Units (ITU's) at both prisons and an on-going effort to expand treatment throughout the facilities. Additionally, DOC has added a substance abuse specialist to the management staff.

DOC has developed an effective Intensive Supervised Program (ISP) program allowing probation officers to be given limited caseloads permitting intense supervision. Frequent drug testing is required of probationers and parolees and their plan includes appropriate treatment. During the fact gathering for this study, people throughout the state and the system praised the effectiveness of the ISP.

Findings

During our meetings and interviews with DOC and other corrections officials the following findings were made:

- ⇒ Despite the fact that the criminal justice population has an extraordinarily high rate of alcohol and other drug addiction resulting in high crime rates, recidivism, and significant expenditures of tax dollars, there is no system-wide understanding that these people are a priority for treatment resources.
- ⇒ Where treatment exists there are significant problems of availability, accessibility, and affordability.
- ⇒ The treatment system lacks uniformity in the manner in which people are screened, assessed, and treated with few measures to assure quality and assess outcomes.
- ⇒ Community programs are not integrated in a way that would permit and promote effective case management.
- ⇒ These factors, combined with an absence of any common understanding of how to hold addicted offenders accountable, result in inconsistent, at time inappropriate, disposition of cases. Whether an addicted offender is

given a prison sentence or treatment depends too much on the personal views of the judge, the prosecutor, or the probation officer.

⇒ Other than in ISP, programs seldom have the ability to mete out immediate consequences for probation violations.

What is working?

There is already in place a solid foundation of successful corrections programs on which to build. The leadership of DOC in developing effective prison and community-based treatment has already demonstrated the usefulness of expanding these programs. While the programs are too new to have produced definitive data, it is clear they are making a difference.

The ITU at Rawlins has space for 28 participants and the ITU at Lusk has space for 16. With some 85% of the men and women in the system needing addiction treatment, these numbers are clearly inadequate, but they form an important beginning. The programs provide necessary long-term treatment. Addictions treatment is combined with correctivethinking therapy in a way that recognizes the inmate needs more than substance abuse treatment. They also need to learn how to change the way they think and make choices. Accordingly, the program includes more than 100 hours of corrective-thinking, group therapy and education

The first 9 male inmates to undergo the program graduated on June 19,1996. The first graduation at Lusk was this last June.

One hundred seventy-six men have graduated in the intervening years. Of those, 170 departed the prison on parole. Only 12 of them or 6.8% have new felony convictions. Forty (23.5%) were revoked.

We always asked what is working well. We were consistently told by judges, prosecutors, public defenders, and others that the Intensive Supervised Program was a program worthy of expansion. The ISP was established at the request of the DOC in 1995. As the statute clarifies, the program is designed to allow the "participants to live or work in the community under close supervision methods." W.S. 7-13-1101(a)(ii). While officers working in the regular probation program often have excessively high caseloads of as many as 75-100, those working ISP have a limited number of persons to supervise, usually no more than 15. Obviously, this is the key to providing the degree of supervision and accountability necessary to hold an addicted offender accountable.

Under ISP, the offender may be required to submit to "electronic monitoring, regimented daily schedules or itineraries, house arrest, telephone contact, drug testing, curfew checks," and other intense supervision. W.S. 7-13-1102(b)(i). Participants are expected to perform community services, family, educational and vocational counseling, treatment for substance abuse and mental health, pay restitution, and meet other case specific requirements. W.S. 7-13-1102(b)(ii). Another important element of the program is the ability of the probation officer to use graduated administrative sanctions to provide immediate consequences for

violations. These sanctions may include anything from additional community service to jail or other detention.

The DOC has provided ISP agents to be assigned to the Rock Springs and Sheridan therapeutic community treatment programs. They are assigned to these programs, providing supervision as well as assistance in corrective-thinking therapy. The Department has also cooperatively worked with the Natrona and Laramie County drug court teams to provide ISP agents for their programs.

Through the DOC efforts, intensive, outpatient-type services have been started at both Lusk and Rawlins for the general population. They have added 4 counselors to the staff at Rawlins, one at Lusk and a specialized assessment officer at Rock Springs. The IOP, originally called "in reach-out reach", was recently renamed by the ITU participants. It is called TACT, "Treating Addiction and Criminal Thinking."

The commitment of DOC to this issue is further demonstrated by their initiative in arranging for an independent review and evaluation of the two ITU programs. Independent, national experts will conduct this review. The willingness of director Judith Uphoff to initiate these programs and to expose them to honest evaluation should become the model for all state funded programs.

Wyoming can count on good law enforcement

The Wyoming Legislature should continue to acknowledge the vital role of law enforcement in meeting the challenges posed by drug and alcohol abuse.

Their stories

During the course of this study, we met with a group of agents for the Division of Criminal Investigation. What became clear is that they and their counterparts in other law enforcement agencies around the state are taken for granted by many of us in Wyoming. While few believe we can "arrest our way out of this problem" it is clear that the continuing success of law enforcement is pivotal to any comprehensive policy.

When we met with the DCI agents, they were asked what they thought should be done to address this issue. They talked about treatment. "We provide the candidates, sometimes it works and sometimes it doesn't." They complained that the system does not often enough mete out immediate consequences. They object to inconsistent treatment of similar cases from one judge or probation officer to another. Loudly, these fellows objected to the studies that seem to do a lot more "blaming" than solving.

While some felt it inappropriate to ask law enforcement to do "social work" others see enforcing drug laws about more

than arresting people. It may also be about "solving the problem." They felt it was unreasonable to expect programs like DARE to provide the magic bullet. One memorable quote on the topic: "We spend a few weeks with these kids in 5th or 6th grade, teach them about drugs, tell them to 'just say no', walk them across the stage, shake their hands and give them a tee shirt. But we forget that in a couple of months, they will outgrow that tee shirt!"

We listened as they told stories about their experiences. When you do that, it becomes apparent that these men and women are doing work that we cannot appreciate, but must. Quickly, the listener begins to understand the magnitude of Wyoming's drug problem. It is not in just one part of the state but every part. It encompasses not just bad guys, but really bad guys and some others who get hooked by their addiction and still others, usually children, innocent and yet "in the line of fire."

And as we listened, it became clear that legislators and others need to hear these stories. We gathered some and hope you will read them and talk to your local law enforcement officers for more. Wyoming needs to acknowledge the contribution these men and women and their families continue to make.

We asked them to share some of their stories.

One undercover agent presented himself as a "new person in Gillette." He looked the part. Dirty. Not the kind of person you would ask to care for your children...unless you were a meth addict. During one buy, a woman offered to obtain the meth for the undercover agent, but she needed him to front the money. The agent asked for assurance she would not simply disappear with his money. She offered up her infant child as "collateral" to this unkempt, scummy-looking stranger who only moments earlier had appeared at her door looking to buy drugs. She left the baby with him for over an hour and a half while she went for the meth.

A traffic stop in Platte County resulted in the arrests of four men when a deputy discovered three bags of marijuana. A search of the car turned up \$2,179 in US currency, over 463 grams of marijuana and a glass pipe with residue. Five days later, one of the men arrested appeared before a justice court judge, was found guilty and was sentenced to 6 days in jail, given 90 days unsupervised probation and fined \$230. There is now an outstanding warrant for his arrest for a probation violation. Two of the others received suspended prison sentences and the other has yet to come to trial.

In a bust in Casper, agents were forced to use a military, assault-type vehicle. When they entered the house, they found children sleeping in the same room as a dangerous crank lab. One of the kids, a 15 year-old who had been taught to fear the police, attacked them and had to be subdued.

In Sweetwater County, the bust of a meth lab in a residential neighborhood occurred one afternoon. Inside the house officers found three young children. Outside, neighbors cheered the officers. Officers report it is common to find infants crawling on floors among used syringes

and deadly chemicals used to make the drugs.

In Pine Bluffs, a small, quiet farming community on the southeast corner of the state, an agent made 5 controlled buys of methamphetamine. A Pine Bluffs man was selling drugs he bought from a contact in Colorado. On one occasion, he traded a 9mm handgun for one ounce of meth and when he was busted, there were confiscated multiple ounces of meth and 6 firearms.

In Sublette County, a young woman agreed to buy marijuana for an undercover agent from her Utah source. She came up with a quarter pound of the drug and sold it for \$1500. In Afton the police department executed a search warrant finding ephedrine tablets, hydrochloric acid, isopropyl alcohol, acetone, Coleman camp fuel, distilled water, and a small amount of methamphetamine. Determining the occupant was manufacturing meth, he was arrested and subsequently sent to prison. A woman who arranged to receive her meth through the mail was arrested in Jackson. Her dealer was in Pennsylvania and the leader of a motorcycle gang there.

Another meth investigation in Gillette discovered a meth lab in a residential area. The suspect was "cooking" the meth in a kitchen, despite the fact that the process produces deadly toxins and gases. He disposed of the hazardous waste by throwing it into a neighbor's garbage can. When they busted him, two elementary age children were found living in the home-drug lab. On entering the house the agents found significant quantities of

meth. They also found the house was infested with lice. The children were placed with DFS. They had lived in this environment for approximately six months before the bust. The landlord incurred thousands of dollars in expense "gutting" the house and refurbishing it before anyone else could move in.

These are stories from one level of the law enforcement effort in Wyoming. Sheriffs and their deputies, police chiefs and their officers, the highway patrolmen and the federal agents working on controlling the supply of drugs should be acknowledged. The acknowledgement is not simply because they have a dangerous job though clearly they do. The real acknowledgement is that they are doing the work the Legislature and the people want them to do, and they do it well. As a result, they deserve not only to be acknowledged but to be heard.

"This is not a 'war'...

As we listened to them, one of the most poignant comments came from one of the DCI agents who objected to calling it a "war on drugs." He said, as the others agreed, this is not a war. *It is a criminal act*.

That is an important comment for us to hear. This is not a "war." Using terms like that conjures up images and creates expectations that are inappropriate for this challenge. Wars have battles that are intended to bring about decisive victories and surrenders. The "war" language has resulted in claims that we have "lost the war on drugs." As the DCI agent's comment reminds us, this is not a war and

it has not been lost anymore than any other effort to stop crime.

The challenge posed by widespread abuse of alcohol and other drugs is so much more complex. When crimes involving drugs are committed, there are law enforcement actions to be taken, tracking information and suspects, gathering evidence, conducting searches, making arrests, getting convictions. The men and women we have hired to do those things, do them well. They have not lost anything.

The complexities of the problem include social aspects as well as medical and educational. There are cultural forces at work that make ending the challenge difficult. But, without a continuing commitment to strong law enforcement, we lose any real hope of meeting the challenge. Their efforts put real pressure on those whose greed exposes our children and families to the danger of drug abuse.

Recommendations

We recognize the success of the programs outlined above. In analyzing other solutions, we urge policymakers to come to understand what has made them successful

Guiding Principles

First, there is a clear understanding in each of these programs of the nature of addiction. *Regardless of length, jail sentences do not cure addiction*. Those who have never been addicted or faced the problem in a loved one will find it very difficult to understand why a woman faced

with the certainty of the loss of her children and a long prison term if she uses drugs again...will use again. It is impossible for non-addicts to fully appreciate why a man who knows a second DUI conviction will result in mandatory jail time, loss of his driver's license and perhaps his job and family...may still drink and drive. That is the nature of addiction.

One of the key findings in this report is that the lack of a common understanding of the nature of addiction creates barriers to successful interventions. Dr. Alan J. Leshner, the Director of the National Institute on Drug Abuse (NIDA) says:

"Too often, discussions about how to reduce substance abuse and addiction turn to intense debates between polarized views. Is drug addiction a brain disease or a bad personal choice? Should we treat addicts or "hold them responsible" and punish them? There are no simple solutions. The correct answer is: 'All of the above."

Accordingly, it follows that what allows these programs to succeed is the knowledge that in the final analysis, the people in these programs are more than addicts, they are also criminals. Treating only the "brain disease" without also addressing the criminality, produces something nobody wants: a sober criminal.

Second, the programs hold offenders strictly accountable. Inmates who desire ITU treatment must apply and once in the program must comply with strict rules and guidelines. In ISP and drug court, the offenders are intensely supervised, they

are drug tested frequently, the supervisor (whether it is a probation agent with ISP or the judge in a drug court) makes certain rules are followed, obligations kept, child support or restitution paid.

Each of these programs understands that intense supervision and accountability are fundamental to changing the behavior of addicted offenders. The nature of addiction is that the user is manipulative and dishonest. That is the way an addict survives when they need the drug. Additionally, addicts who are also criminal offenders, think differently than others. It is this thought process as well as the using behavior that must change. That change comes through the constant presence of someone who holds them accountable. And so, the good news is that criminals can and frequently do respond to appropriate interventions.

Finally, the ISP and drug courts employ a system of graduated sanctions that allow for immediate consequences. This system is not so much a part of inprison treatment, but it is critical to treatment that occurs when the offender is in the community. This is what we call "managed punishment." Recognizing that although relapse is not a good thing, it frequently happens during the course of effective treatment, having in place a system of graduated sanctions is central to the program. Graduated sanctions are tools used by the judge or ISP agent to give appropriate consequences for negative behavior.

Not every violation that takes place while an offender is in a program should result in imprisonment. If the only tool the mechanic has is a hammer, it is what he will use regardless of what may be wrong with your car. You probably wouldn't take your car to such a mechanic. The same thing is true of substance abuse treatment. The supervisor needs more tools than the threat of prison. If the violation warrants prison, that possibility exists. But when a prison sentence costs the taxpayers over \$22,000 a year, it should be used only when necessary to protect the public safety.

Other tools are included in the ISP statutes. More treatment, additional community service, jail time of up to 30 days are among the possibilities. Some drug courts impose levels of sanctions to include fines. For most participants, a "wake-up call" will suffice. In addition to giving the supervisor additional tools, these sanctions allow him or her to give *immediate* consequences. The ability to act quickly can prevent greater problems.

And so these common elements of successful programs, i.e. understanding the nature of addiction, strict accountability and intense supervision and using a range of appropriate sanctions and rewards, should be considered as other programs are developed for the criminal justice population.

Criminal offenders as a priority

The Legislature and other policy makers need to be clear and consistent. The treatment of the criminal justice population is a priority. These are the people who threaten public safety. They are the ones costing taxpayers the most money both in terms of criminal activity,

recidivism, law enforcement, detention, court costs, supervision, and imprisonment. We know who they are. We know where they are. The system can exercise sufficient authority over their lives to hold them accountable to treatment and other related services. This is clearly a population of people on whom the treatment system can have an impact. It is also important to note that when we impact their lives, we are impacting the lives of their children and spouses as well.

This decision is central to a comprehensive plan. It effects more than the Department of Corrections. While these folks have always been the top priority for DOC, that is not true of other state and local agencies that will be effected by this decision. Some of those agencies may not welcome this decision. When the DOC issued a Request for Proposal for the establishment of the ITU at Lusk, not one of Wyoming's mental health and substance abuse centers submitted a bid. This group of men and women are not easy to work with, there is a stigma about them and they bring with them bags full of problems.

Prioritizing this group will impact community mental health and substance abuse programs. They will have to integrate services in their communities so that this population is adequately served. Their staff will have to be trained in working with this specific population. Other state agencies will also be required to coordinate what they provide to meet the needs of this group.

However, unless this priority is established through funding and other

policy decisions, the system will not likely focus enough resources on the problem to meet the challenge.

Increased Prevention and/or Treatment Efforts in All Correctional Facilities and Jails

While the DOC is in the process of expanding treatment in the men's and women's prisons, the Legislature should support an on-going expansion of these programs. The results of the DOC review will be ready before the end of the year (2001) and should be considered in determining how treatment is accomplished in the prisons. It is also encouraged that the legislature make the need for prison-based treatment a prime consideration when making decisions about future site selection for prison. It is critical that such facilities be built where the local community is able to support the needs associated with effective treatment.

Second, alcohol and other drug treatment should be expanded at the conservation/boot camp and the Honor Farm.

Third, facility-appropriate treatment and/or educational programs should be required at all Wyoming jails and detention facilities. No criminal offender should be allowed to spend time in a Wyoming detention facility without being exposed to education and/or treatment opportunities. For offenders who are clearly substance abusers, these programs should not be voluntary. This should not be another un-funded mandate. Neither does it have to cost a great deal. By

creating partnerships between the detention facility and others, including the Substance Abuse Division and local substance abuse centers among others, a great deal could be accomplished inexpensively.

It is noteworthy that many detention facilities currently offer programs. The following table is a summary of existing programs.

"Prevention efforts could include educational hand-outs, informative videos, and didactic group discussions focused on the negative consequences of substance abuse. Basic education on alcohol and other drugs should be offered. Prevention and intervention efforts should include life skills interventions, life competency skills training, other behavioral topics, and attention to criminogenic characteristics. Prevention materials and videos should be available to all persons in the criminal justice system."

Correctional and detention facilities "should work to create an environment which reinforces positive change and focuses on personal responsibility and accountability. All correctional staff should be trained about chemical dependency treatment and related interventions. Treatment professionals with expertise in criminal justice programming should be used as resources to make recommendations to correctional facilities about treatment programs. Characteristics of effective treatment programs and therapeutic communities

should be integrated into correctional settings where possible."²³⁶

The Wyoming Law Enforcement Academy should include appropriate courses and seminars in its curriculum and the Substance Abuse Division should provide additional training throughout the state to accomplish this goal. The current curriculum for the Detention Officer Basic Course includes just 2 hours of training on substance abuse of a total requirement of 273 hours of instruction. Those two hours are assigned to giving officers "a basic understanding of…the problems caused by substance abuse in jail."²³⁷

The Department of Corrections and the Substance Abuse Division, as well as C-SAC's and other community programs can also provide local detention facilities with technical assistance. The Division would also be a source for providing training for detention staff in corrective thinking techniques, for example. Local 12 step groups can become involved in providing volunteers to lead jail house meetings. Information referring inmates to treatment programs should be provided. This effort need not be onerous or top heavy with state imposed requirements. The goal of the recommendation is encourage sheriffs and others to think of creative ways they can use the time that offenders spend in their custody to acquaint them with prevention and treatment. Such a concerted effort would signal the common goal of the state to target this population. It will also sow important seeds in some offenders...at little cost.

Table 8: County and Prison Substance Abuse Services

	House	If no, where	If yes, educ.	Do you have any	
County	Juveniles?	do they go?	serv. provided?	adult programs?	
Albany	Yes	N/A	School dist will send a teacher to keep them up on their studies. If they have been expelled, there is a GED program available thru LCCC.	GED Program - weekly; AA weekly; currently trying to get a mental health center to organize a group on criminal thinking, will probably happen in the fall.	
Big Horn	No jail in Big Horn County, contract with Wa		ashakie County.		
Campbell	Yes	N/A	Teacher comes in 5 days a week during school year, weekly AA & NA meetings	GED Program - weekly; AA & NA weekly; church services/bible studies weekly.	
Carbon	No	No facilities around to house them.	N/A	No services available, but not opposed to them.	
Converse	Yes	N/A	Eastern WY College provides GED program couple times a week; local high school provides tutoring services couple times a week.	GED Program, AA & NA available upon request, services can be provided a couple times a week.	
Crook	Yes	N/A	GED program on request	GED program on request; AA available on request, church services weekly.	
Fremont	Yes	N/A	School 5 days a week	No services available. Hoping to have something in about a year.	
Goshen	Temporarily < 72 hours	Frontier Corrections	N/A	GED Program as requested; Church services 3x a week; Mental Health Counseling if physician warranted; AA weekly but only available to Protective Custody inmates, medium and maximum security and female inmates not able to participate.	
Hot Springs	No	Frontier Corrections in Casper	N/A	GED Program - request; Church Serv weekly; Counselor for substance abuse & criminal behavior 2x a month; AA type meetings 2x a month; few other counselors available on request.	
Johnson	No	Frontier Corrections or youth home	N/A	GED Program - upon request, weekly; AA and church services weekly.	
Laramie	yes			This facility has many programs including GED, religious couseling, corrective thinking and AA/NA as well as a women's program	
Lincoln	Yes	N/A	Go thru Drug Court System	GED Program - upon request. Substance Abuse treatment thru Drug Court System.	
Natrona	No	Frontier Corrections	N/A	GED Program - upon request; church services 2x weekly; set up to do AA & NA meetings but don't have sponsor willing to conduct regular meetings. Sponsor on call to do individual talks per request from inmate.	
Niobrara	No	Frontier Corrections	N/A	GED Program if court ordered; church service weekly; No substance abuse programs - not much available in Lusk.	
Park	Try not to	If can, refer to Sunlight Shelter	No services available, but would try to accommodate it requested.	AA and church services 2x a week.	
Platte	No	Frontier Corrections	N/A	Books for GED but no one to teach; AA and Church services weekly; Counselor from SE Mental Health available upon request of inmate.	
Sheridan	No	Frontier Corrections	N/A	GED Program - up to 5x a week; church services weekly; AA & NA weekly.	
Sublette	Try not to	Signing contract w/ Frontier Corrections	N/A	GED Program on request; counseling on request; church services weekly; AA & NA weekly & on request.	
Sweetwater	Yes	N/A	None.	None.	
Teton	No	Sheridan, Worland or Casper	N/A	GED Program on request; counseling on request; church services 2 x week; AA weekly.	
Uinta					
Washakie					
Weston	No	Frontier Corrections	N/A	Books for GED but no one to teach; church services weekly; counseling upon request; no substance abuse programs available	

Expanded Use of ISP

The current ISP offers a cost effective way of holding addicted offenders accountable. The statutory framework under which the program operates lends itself perfectly to managing the recovery of substance abusing criminals. We urge the legislature to expand the program by funding six additional agents. These ISP agents will be assigned to the six counties that have extraordinarily high numbers of probationers and parolees.

The six new agents will supervise approximately 90 offenders, making certain they participate in treatment, stay employed, pay restitution and child support and other debts, and conduct themselves properly. As the DOC has been able to assign ISP agents to drug courts in Laramie and Natrona Counties, these additional agents would make it possible to do so elsewhere.

Drug Courts

During the 2000 Legislature, an important step was taken. The Legislature funded a statewide, drug court initiative. At the time, there were three drug courts operational in the state:

In Sheridan County, Uinta County, and Lincoln County.

The legislation provided one and a half million dollars to use for local drug court implementation and continuation grants. Importantly, the bill also mandated the Department of Health to

establish rules for the certification of treatment standards in drug court.

Today the Department has promulgated rules and the drug court panel will soon decide on grant applications. Several Wyoming communities have received drug court training conducted by the US Department of Justice. These include Laramie, Natrona, Park, Fremont, and Big Horn Counties. In addition, Gillette has received federal funding for its court. These courts and the commendable efforts behind their creation will produce important changes. They have already demonstrated success in reducing jail costs and recidivism.

The success of the drug court concept is universal. The national statistics speak loudly:

- More than 57,000 offenders have graduated from a drug court program
- Almost 50% of the participants had been using alcohol and/or other drugs heavily for 10 years or more
- 73% are parents of minor children
- 65% were previously incarcerated for drug-related charges
- Recidivism rates that run as high as 80% among non-treated addicts range from 2% to 20% among drug court graduates
- More than 4500 parents with previous child support orders are now current on their child support

• 3500 parents have regained custody of their children through drug court participation

Compared with other treatment programs, drug courts provide more comprehensive supervision and monitoring, increase the rates of treatment retention, while reducing drug use and criminal behavior....²⁴¹

We recommend that the initiative be continued and that funding be doubled. The grants to local communities are capped at \$200,000. This amount of money may treat between 40 and 50 participants per year. The initial appropriation provided \$1,350,00 for grants that will fund perhaps 7 local courts. If funds are to be available to continue their operation and develop additional sites, the appropriation should be doubled.

The writers of this report have a concern about this program. Clearly the state cannot afford to provide grants to all communities that may apply. The concept will prove effective and as more communities seek to implement drug courts, the funding will be insufficient. At some early point, a policy decision must be made about how many courts will be funded and where. Will they serve juveniles as well as adults? How will drug courts be integrated with the rest of the judicial system? Will treatment be available to some offenders because a community has a drug court

but unavailable to those who live in a community that does not?

Coupled with that concern is one that causes us to ask whether it is wise to establish a certain group of judges and courts as "drug courts" while others continue to operate as they have been. During our hearings on this plan, one former district court judge who attended said, "The truth is that every judge IS a drug court judge whether they call themselves that or not!" What he meant is that every judge sees a myriad of both civil and criminal case in which substance abuse is at the heart of the problem. All judges deal with substance abuse in the regular flow of their duties. His observation caused us to consider the wisdom of a long-range policy built around designating only a handful of courts as "drug courts" without considering how what they do is to be integrated into the entire judicial system.

The development of specific drug courts should not be viewed as an end to itself but rather as the means of changing the way things are done throughout the system. That should be the goal rather than continuing to designate and fund special courts to do the work that in fact confronts every court.

The Addicted Offenders Accountability Act of 2002

Having spent more than \$65 million on the new prison facility at Rawlins and faced now with the decision on how to spend millions more on either refurbishing the older unit or building a new one, it is an opportune moment to

study whether there are alternatives. We believe there are

"Alternatives to incarceration are designed to stop the revolving door of drug abuse and crime by using the coercive power of the court to engage drug-abusing offenders in treatment. The criminal justice and substance abuse treatment systems work together to provide offenders with the services they need while still holding them accountable for their crimes. Compliance with alternatives to incarceration programs is generally based on measurable performance goals, such as completion of treatment phases and abstinence. Programs provide clear choices, sanctions, and incentives to help individuals take control of their own recovery and to hold them accountable for failure to comply with treatment. 242

This recommendation is based on the following guiding principles:

- ⇒ Decisions regarding criminal offenders must be made in a manner that reasonably assures public safety and recognizes the interests of victims.
- ⇒ Criminal offenders must be held accountable for their conduct.
- ⇒ Prison space should be reserved primarily for offenders whose continued criminality presents a threat to the public.
- ⇒ Well-developed and accountable community-based corrections

- programs have proved effective in treating addicted offenders particularly in conjunction with a supervising judge of probation officer.
- ⇒ Offenders should be assessed prior to sentencing to determine the need for substance abuse treatment and the level of services required.
- ⇒ Where possible, courts should require addicted offenders to enter treatment programs deemed effective and require offenders to successfully complete the treatment as an alternative to a prison sentence.
- ⇒ Clear standards should be established, defining acceptable treatment alternatives while giving attention to the need to protect public safety by providing intense supervision where necessary, frequent drug testing and monitoring, and case management services.
- ⇒ Those offenders who are placed in prisons should be required to serve a minimum sentence AND a term of mandatory aftercare provided through an integrated re-entry program addressing the variety of needs of a returning inmate.
- ⇒ If drug courts are so successful, we need to find ways to transplant drug court concepts such as monitoring, accountability, and intense supervision throughout the system.

Virtually every state is struggling to get a handle on this problem. In California, the voters passed what is

known as "Proposition 36" mandating treatment for addicted offenders in lieu of prison. Last year, the New York Chief Justice ordered all lower courts to offer treatment instead of imposing jail sentences on addicted criminals.²⁴³

These efforts are problematic in our opinion. In both cases, there is a real concern that the treatment capacity is unable to meet the need. Second, under the California law, an offender knows he or she will receive treatment instead of incarceration. Under that approach, the court loses its big hammer, i.e. the threat of prison if the offender does not take advantage of the treatment alternative.

The effort to reduce prison populations cannot be achieved unless we first guarantee the availability of adequate treatment. Additionally, the ability of the court to coerce successful treatment is a necessary component.

Among other states grappling with increasing prison costs for incarcerating non-violent, addicted offenders, Kansas and North Carolina appear to have found some useful answers. In North Carolina, Legislators have approved the use of a sentencing grid designed to measure the impact of addiction on the criminal activity in which the offender engaged in a way that determines the risk to public safety. Those who are determined to pose unreasonable risks to public safety receive prison sentences regardless of their addiction problem. However, nonviolent, addicted offenders are held accountable in well-supervised, community-based treatment regime. We have concluded that there may be a need

to discuss sentencing reform to provide for a more consistent sentencing and a more common philosophy. However, we believe there is a useful first step that should be taken.

In Kansas, certain non-violent juvenile offenders and other chronic misdemeanants found to have substance abuse problems are placed in community-based treatment programs rather than jail or other detention, unless the court determines based on the evidence that no adequate treatment alternative exists. Aftercare is mandated for all offenders, juvenile and adult, who are sent to detention facilities

In consideration of the experience of these two states and the situation in Wyoming, we propose the Legislature consider the following sentencing alternatives:

- ⇒ Each convicted offender will be screened and, if appropriate, receive a thorough substance abuse assessment prior to sentencing regardless of the nature of the offense. This may be the key to the success of both the program and individual treatment. If the court and the attorneys are to make determinations about adequate treatment, the quality of information gathered here is critical.
- ⇒ Qualified, addicted offenders will be given suspended sentences contingent on successful completion of substance abuse treatment unless the court finds, on the basis of the evidence that no adequate treatment alternative exists.

- ⇒ The legislation should define "adequate treatment alternative" to mean an alternative to prison that poses no unreasonable risk to the safety of the public, with treatment taking place in a community-based program certified by the Department of Health to treat criminal offenders.
- ⇒ The legislation should mandate regular case review by the court and intense supervision of participants including requirements for frequent drug testing, payment of restitution, contributions to the cost of treatment, educational achievement, community service, and other accountability measures.
- ⇒ Upon completion of the treatment program, probation should extend for one to three years with specified aftercare requirements.

Implementation of this alternative must await other reforms recommended in this report. Until the treatment system is upgraded pursuant to the recommendations contained herein, these changes will not be possible or wise. Accordingly, the Addicted Offenders Accountability Act should not be considered in the absence of a commitment to enhance the delivery of treatment services.

If that commitment is made, the Act should have an effective date of January 1, 2003, giving the system the time it will need to meet the requirements of the Act. It should also carry a sunset provision requiring the Department of Corrections and the Department of Health to evidence its effectiveness

before being renewed. We recommend the Legislature sunset the Act effective June 30, 2008, unless the evidence justifies its extension.

We are persuaded that non-violent offenders can be held accountable and public safety protected by creating an effective treatment alternative. By requiring the consideration of a treatment alternative in these cases, the Legislature stands a good chance of managing prison growth at the same time. Under this proposal, every court becomes a "drug court." Every court will be asked to consider whether treatment is an adequate alternative to prison.

That determination is key to achieving the results. In each case where the offender has substance abuse problems, the court, the prosecutor, and the defense counsel will be required to consider not only treatment but also whether treatment is effective. The local treatment providers will, in effect, be on trial.

Currently, when programs are used as sentencing alternatives, neither the judge nor the attorneys have the means of determining whether that program actually works. Under this proposal, the question becomes important. If the prosecuting attorney is unconvinced that the local program works, he will argue against the treatment alternative. The public defender or other defense counsel will have the duty to identify and present to the court an adequate treatment alternative.

In a nutshell...

- (a) All chronic misdemeanants and persons convicted of or pleading guilty to a felony will receive, as a part of a pre-sentence report, a substance abuse assessment. A chronic misdemeanant is a person who has been convicted of more than one misdemeanor charge directly or indirectly involving the use of drugs and/or alcohol.
- (b) Qualified offenders will be given an opportunity for treatment.
- (c) "Qualified offenders" are persons whose substance abuse assessment demonstrates they have a dependency on drugs and/ or alcohol.
- (d) If a person has been convicted of a violent crime or delivery of controlled substances, there is a rebuttable presumption that the person is not a "qualified offender" for purposes of sentencing under this act. This presumption may be rebutted by clear and convincing evidence that a person convicted of a violent crime could participate in a treatment program without posing an unreasonable risk to public safety. As to persons convicted of delivery of a controlled substance, the presumption may be rebutted by clear and convincing evidence that the person committed the crime in significant part because of his or her own dependency rather than for purposes of monetary gain.
- (e) Qualified offenders must be given a suspended sentence requiring them to complete a treatment program provided there is an adequate treatment program available.
- (f) "Adequate treatment program" is a community-based or other non-prison treatment program certified by the Wyoming Department of Health for purposes of treating the criminal justice population that includes protections that can be reasonably relied upon to protect the public safety and hold the offender accountable.
- (g) A qualified offender may be sentenced to prison only if the court concludes, on the basis of the evidence that no adequate treatment alternative exists, if the offender refuses to agree to participate in the treatment program, if the offender commits a felony or engages in other behavior that poses an unreasonable risk to public safety while in the program. In the absence of the commission of a new crime, probation under this section shall not be revoked.

The adoption of the other systemic reforms recommended in this report will result in the establishment of treatment standards, the development of comprehensive programs, protocols for drug testing and case management. The bottom line is that if the local providers are not offering effective programs, the judge will find, on the record, that no "adequate treatment alternative" exists. Such a finding will serve to motivate the provider, the Departments of Corrections and Health as well as the community to find out why. Their inquiries will lead to improvements where needed.

With this approach, everyone in the system becomes accountable for the public's safety and for the taxpayers' dollars. The addicts are held accountable for their conduct. Judges are required to consider whether there are effective, safe alternatives to costly prison sentences. The prosecutors and defense counsel have to think about whether treatment exists as an alternative, and the treatment and private corrections community will be required to prioritize this population and be asked to prove that what it does works.

With the power of the court looming over them, both the addicts *and* the programs behave better. And that can make rehab work!²⁴⁴

Criminal Justice Treatment Standards

As has been recommended in another section of this report, we believe

the DOC together with the Department of Family Services, the Department of Education, and the Department of Health should promulgate standards for all treatment programs receiving state funds as well as other programs to which courts refer offenders. These standards should include specific provisions for treating the criminal justice population. It is important, as well, that the standards include provisions for drug testing to insure the usefulness and integrity of the testing programs administered by each Department.

Standards for treating the addicted criminal offender will share some elements with treatment standards for the non-criminal addict but there are very important differences as well. In his book, The Criminal Personality: The Drug User, Dr. Stanton Samenow, the developer of corrective-thinking therapy techniques, says poignantly:

"Unfortunately the family and society, almost universally focus on drugs as the cause of the user's antisocial behavior, whereas the truth is that the havoc raised by the user is not solely the result of drug use. The more appropriate focus is the pre-drug personality.²⁴⁵

*** "Before they began using drugs, the men in our study made a series of irresponsible choices that resulted in a criminal way of life." 246

That does not mean that the addiction is a matter of choice. Clearly, addiction involves compulsive use of substances. It does, however, mean that

if we treat the addiction alone, without treating the criminal thinking, we may get what nobody wants...a sober criminal! It is, accordingly, important that treatment standards for this group be specific in addressing criminogenic factors. The policies should address initial assessment and diagnosis, treatment, case management, monitoring, testing, supervising, outcome evaluation, and other necessary standards to assure taxpayers they are getting a fair return for their investment.

These standards should be promulgated by September 30, 2002.

Children of Incarcerated Parents

What happens to the children of the men and women we send to prison? It is an important question but one for which there is no systematic answer. It is important because of the obvious. These kids face unique difficulties. The trauma of the arrest of a parent, the sudden separation from a caregiver, unexplained placements in foster homes or with relatives all combine to create a haze of confused, even conflicting feelings of fear, anger, anxiety, depression, shame, guilt, sadness. These children have lived in homes where they are at-risk and upon the arrest of a parent, that risk is accelerated. The behavioral consequences are often severe in the absence of considerable intervention. They frequently withdraw emotionally, fail in school, and engage in delinquent behavior and substance use. Many are at risk to funnel into intergenerational incarceration ²⁴⁷

These kids are falling through the cracks. Unless they are already "in the system," they are often forgotten. The Division of Criminal Investigation agents tell us that frequently there are young children present when a drug bust occurs. Currently there is no systematic way to make certain of an immediate and continuing intervention to reduce the risk for those kids or others whose parents are arrested and jailed.

Neither do sentencing courts concern themselves with the children of the man or woman they are sentencing to prison. The focus is on the parent being sentenced. We have a great deal of data about him or her. We know how many go to prison or a county jail and for how long. We even know that some of the women going to prison are pregnant and give birth while incarcerated. But nobody collects sufficient data on the children. We don't know how many of them there are or where they are or, for the most part, whom they are with and whether that is good for the child.

Limited DOC statistics indicate that about one half of the male inmates report they have 1853 "dependents." The statistics do not reflect whether these are minor children or other dependents. A number that large could reasonably be assumed to include mostly children and given the age of most inmates, the vast majority of these "dependents" are likely minor children. Of 169 female inmates, 119 report a total of 250 "dependents."

If we are going to break the cycle, we must begin to focus on these kids, as well.

"According to Denise Johnson, head of the Center for Children of Incarcerated Parents, up to half of all male children of prisoners will go on to commit crimes themselves, perpetuating a cycle that will feed the prison boom for generations to come. Certainly, some kids face grave risks in the hands of drug addicted or crime-prone parents. But even for them, the loss of a parent is deeply damaging." 248

What is clear is that there is a negative impact on the children. A number of studies verify that fact. They found that these children suffer from multiple psychological problems that manifest in a variety of troublesome behaviors including a decline in school performance, truancy, use of drugs and alcohol, and aggression.²⁴⁹ What is important to know is that the impact falls not only on older children but infants as well. Infants experience an impaired parent-child bonding leading to a variety of continuing difficulties. This premature termination of the parent-child relationship with an older child, e.g. late adolescence, is a high predictor of the child's own subsequent criminal activity and incarceration.²⁵⁰

It may not be obvious but it is logical that the problem is more serious when the incarcerated parent is mom. Mothers are the primary care giver and her sudden absence frequently is the source of greater anxiety and hardship.²⁵¹ All of this is true even in the absence of

incarceration when a parent is repeatedly arrested or in trouble with the law

It is recommended that the Department of Corrections, the Department of Education, the Department of Health, and the Department of Family Services be asked to undertake a collaborative effort to create a focus on the children of incarcerated parents. The result should include appropriate interventions beginning at the time of arrest and involving the child's school. It should include a mechanism for considering the placement of a child whose parent is being imprisoned, continuing contact with the parent where appropriate. programs for pregnant prison moms, and other interventions designed to reduce the risk posed for these kids.

Offender Re-entry

"We've locked 'em up. They're getting out. What do we do now?" 252

Using Malcolm Gladwell's theory about the New York subway system, i.e. the way to clean it up is one car at a time, coupled with the commitment that once a car is reclaimed, all necessary resources will be used to make certain it stays reclaimed...we recommend the Legislature establish a coordinated offender re-entry program.

We all agree that some offenders need to be imprisoned. One of the challenges of just sending people to prison is that they get out, and most often they are more ill-prepared to be productive citizens upon their release than they were when they were sentenced. Family ties have weakened. Job skills, if they had any, are lost. Educational deficits are magnified. They return home handicapped by a prison record in obtaining a job and housing.

We must acknowledge that incarceration is not the final destination for most of these men and women. *Our communities are*. Making adequate provisions for their re-entry is in our own self-interest and in the interest of protecting the community. Furthermore, it makes good economic sense. If we are going to spend more than \$22,000 a year housing them in a prison, it makes sense to spend a few more bucks trying to make their re-entry into our neighborhoods successful. The goals of this re-entry initiative are:

- ⇒ Help offenders become productive, responsible, contributing members of the community;
- ⇒ Help offenders obtain and retain long-term employment;
- ⇒ Meet on-going substance abuse and mental health needs;
- ⇒ Provide adequate supervision and monitoring of returnees; and
- ⇒ Involve the private sector and faith community.

There is a dynamic tension between the community's need for safety and the exoffender's right to return to society. Although protecting public safety and social order are paramount, significant investment also must be made in the successful re-entry of the offender. In this sense, "good re-entry is good public safety." People who suffer from mental illness (as do many inmates) are greatly stigmatized, hindering both their treatment and social adjustment. Likewise, there is a recognized stigma for individuals who have encountered the criminal justice system through arrest, detention, conviction, and incarceration. When someone has both a criminal record and mental illness (or substance abuse problem), this stigma grows exponentially and becomes a way of excluding the offender from the society.²⁵³

The enhancement of community substance abuse treatment resources, as recommended herein, will help greatly to facilitate this effort. Nearly 60% of Wyoming parolees reside in the six counties targeted to have Comprehensive Substance Abuse Centers (C-SAC's) under this plan. This change alone will substantially increase the ability to provide re-entry services for the

returning inmates. But more will be needed.

As the enhancement of community services is taking place over the coming year, the Legislature should ask several state agencies to collaborate in writing a plan for the integration of re-entry services. This plan should include provisions to meet the varied needs of this population - including employment and education services, medical and mental health care, substance abuse treatment and monitoring, housing, legal needs, family bonding and domestic violence counseling services, family and childcare, and more. It should include provisions for intense supervision and monitoring. The plan should also be developed to motivate the involvement of the private sector and the faith community as well as local 12 step groups.

"Business leaders can provide invaluable assistance in planning training programs and providing opportunities for job placements." 254

This initiative should be phased in after sufficient time is devoted to planning an integrated program to enhancing community services. The Legislature should commit the necessary planning funds during the 2002 budget session and approve the plan with adequate funding in 2003.

Competitive Purchase of Treatment Services by DOC

While the recommendations in this report are, in significant part, intended to strengthen Wyoming's community mental health and substance abuse centers, we have also concluded that creating a competitive system is a valid goal in improving treatment.

While we are asking the Legislature to enhance the ability of the community centers to provide effective treatment, we recognize there are other public and private providers who should be given an opportunity to compete.

We believe it would be beneficial to allow them to compete with other publicly-funded providers for contracts with the DOC. It is urged that significant funding be included in the DOC budget for the direct purchase of services under a Request for Proposal process. Contracts should be entered directly between the Department and the provider giving the Department significant control over the quality of the services and the accountability of both the provider and the offender.